

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

EXAMINER INTERVIEW

Applicant's representative, Gregg A. Peacock, thanks Examiner Butler for the interview on June 29, 2001. During said interview, Applicant's representative and Examiner Butler discussed possible claim language to overcome the cited art.

DOUBLE PATENTING REJECTION

The Office Action rejected claim 34-74 "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-30 of U.S. patent no. 5,802,398." Office Action at ¶ 6.

Applicant respectfully submits a terminal disclaimer under 37 C.F.R. 1.321. Accordingly, Applicant respectfully requests that the obviousness-type double patenting rejection of claims 34-74 be withdrawn.

35 U.S.C. 103 REJECTION

The Office Action rejected claims 34-74 "under 35 U.S.C. 103 as being unpatentable over Klashka et al., U.S. Patent 4,803,623 (hereinafter "the Klashka patent" or "Klashka"). Applicant has amended portions of the pending claims. In light of the amendments to the claims, Applicant respectfully submits that the pending claims are allowable over the cited art.

Among the differences, claim 34 recites

a controller circuit coupled to the memory buffer and the storage medium, the storage device and a separate storage device to couple to a host computer through a same physical port having an Intelligent Drive Electronics (IDE)

interface, the controller circuit to receive data through the same physical port having the physical port having the IDE interface and to store the data into the buffer, the controller circuit to transmit the data from the buffer to the storage medium simultaneously at least in part with the separate storage device transmitting and/or receiving data using the same physical port having the IDE interface. [Emphasis added].

The Office Action indicated that “Klashka does describe transferring data simultaneous at least in part as claimed at column 12, lines 15-17.” Office Action at ¶ 8. Klashka does disclose the simultaneous transfer of data across different physical ports. However, for multiple channels across a given physical port, Klashka “does not initiate a data transfer on a new channel until the port on which it resides completes its data transfer.” Klashka at column 12, lines 36-38 (see also Klashka at column 7, lines 32-36). Applicant respectfully submits that Klashka does not disclose or suggest a device that includes a buffer between one of the storage mediums, which are coupled to a same physical port, wherein this physical port is transferring data across the IDE interface while data is being transferred between the buffer and the storage medium, as set forth in claim 34.

Accordingly, Applicant respectfully requests that the rejection of claim 34 be withdrawn and that this claim be passed to allowance. Moreover in light of the arguments set forth above, Applicant respectfully requests that the rejection of the other pending claims that depend from claim 34 be withdrawn and that such claims be passed to allowance. With regard to the other pending claims, such claims have similar limitations as provided in claim 34. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn and that these claims be passed to allowance.



THE TERM "IDE"

The Office Action indicated that "the examiner understands the claimed IDE interface as being the IDE interface that was known at the time of applicant's invention." Office Action at ¶ 8. Applicant respectfully traverses this assertion. Under M.P.E.P. 2111, "[d]uring patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.'" M.P.E.P. 2111. Accordingly, Applicant respectfully submits that the IDE interface is not limited to the IDE interface that was known at the time of applicant's invention. In particular, Applicant respectfully submits that the elements and limitations as set forth in the pending claims are applicable to different standards of the IDE interface.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that the rejections have been overcome and the pending claims are allowable. Accordingly, Applicant respectfully request allowance of the remaining claims.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is hereby invited to contact the undersigned at (512) 306-7645 if there remains any issue with allowance of this case.



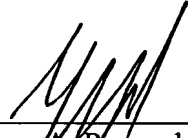
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Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 7-3, 2001



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Virginia Velazquez